

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Crl. Misc. No. 15342-M of 2004

DATE OF DECISION : 05.09.2006

Parvesh Kadian

.... PETITIONER

Versus

State of Haryana and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. N.K. Sanghi, Advocate,
for the petitioner.

Mr. Partap Singh, Senior D.A.G., Haryana.

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Petitioner Parvesh Kadian has filed this petition under Section 482 of the Code of Criminal Procedure in the year 2004 for transfer of investigation of case FIR No. 84 dated 20.2.2004 under Sections 307/323/506/511/34 IPC read with Section 25/54/59 of the Arms Act registered at Police Station Civil Lines Rohtak to some independent agency.

2. In the petition, it has been alleged that the local police is not fairly investigating the matter as the accused in the aforesaid FIR are the influential persons.

3. Pursuant to the notice, reply on behalf of the respondents has been filed, in which it has been stated that in the aforesaid FIR, which was registered on the application of the petitioner, a thorough investigation was conducted and the allegations made by the petitioner were found to be false. Thereafter, untraced report was submitted.

4. Counsel for the respondents contends that the untraced report submitted by the police was accepted by Chief Judicial Magistrate, Rohtak, vide order dated 21.10.2004. A copy of the said order has been filed in Court today, which is taken on record.

5. In view of the aforesaid factual position, in my opinion, the

prayer made by the petitioner in the instant petition for transfer of the investigation does not survive. However, if the petitioner is aggrieved by the order dated 21.10.2004, whereby untraced report has been accepted, it is open for him to avail other remedy available under the law.

6. Dismissed with the aforesaid observations.

September 05, 2006
ndj

(SATISH KUMAR MITTAL)
JUDGE